



## Opinion 449

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**Opinion Title:** 12/19/2003 PUBLISHED In re Holli Lundahl, 03-21660, Judge Thurman

**Body:** The Court dismissed the Debtor's Chapter 13 case with prejudice where there was sufficient evidence to support a finding that the Debtor's plan was not proposed in good faith and that the case was filed in bad faith. The Court found that parties who were disputed by the Debtor but who were not scheduled or listed on any mailing matrix filed by the Debtor had standing to object to the Debtor's plan, and could be heard regarding their motion to dismiss or convert. The Court analyzed the Debtor's case in light of the standards adopted by the Tenth Circuit Court of Appeals in the cases of In re Flygare and In re Gier . The Court analyzed four particular areas: 1) the accuracy of the Debtor's income and expenses; 2) the existence of creditors' claims to be paid through the plan; 3) the motivation of the Debtor filing the case solely for the purpose of having a forum for litigation; and 4) the inaccuracy and misleading nature of the Statement of Affairs and Schedules filed by the Debtor. In each instance, the Court found that the Plan had not been proposed in good faith as required by 11 U.S.C. § 1307(e) and that the case had been filed in bad faith.

**File:**  [449.pdf](#) [1]

**Judge:** [Judge William T. Thurman](#) [2]

**Date:** Friday, December 19, 2003

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### Links

[1] <https://www.utb.uscourts.gov/sites/default/files/opinions/449.pdf>

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